THE HON'BLE SRI. JUSTICE GODA RAGHURAM

W.P.No. 1843 of 2006

03-03-2006

Between:-

Smt. K. Rajamani

Petitioner

And

Government of Andhra Pradesh rep., by its Commissioner & Director of Marketing, Hyderabad.

Respondents

THE HON'BLE MR. JUSTICE GODA RAGHURAM

W.P.No. 1843 of 2006

Oral order:

There is a dispute and a dispute that is intensely fact based, as to whether M/s Veera Bhadra & Company is a sole proprietary concern or a partnership. The petitioner is the widow of one late K.R. Mallesh. An agreement of sale dated 20-02-2003 was entered into between the 2nd respondent and K.R. Mallesh, regarding the sale of a Mulgi in the Agricultural Market Committee, Bowenpally, Hyderabad. The petitioner claims that her husband K.R. Mallesh was the sole proprietor of M/s Veera Bhadra & Company. The 3rd respondent claims that M/s Veera Bhadra & Company is/was a partnership firm comprising himself, K.R. Mallesh and another and that the agreement of sale enures to the benefit of partnership firm and devolves in accordance with the law of partnership.

The petitioner having filed a suit O.S.No. 1095 of 2003 on the file of learned XI Junior Civil Judge, City Civil Court, Secunderabad, seeking injunctive relief against the 3rd respondent and others, nevertheless sought a resolution of the dispute as to whether M/s Veera Bhadra & Company is a partnership firm or sole proprietary concern before the 1st respondent, by way of a representation.

The 1st respondent, by the order impugned, advisedly declined to determine the factual dispute and directed the parties to pursue their remedies either in O.S.No. 1095 of 2003 or otherwise. It is this order which is challenged in this writ petition.

In the considered view of this court, the impugned order dated 17-12-2005 of the 1st respondent is impeccable. The 1st respondent is an administrative authority, who is not established to have any jurisdiction, power or authority to decide disputed questions of title or ownership. It is clear that the disputes between the petitioner and the third party are intensely factual, concern ownership and title to the properties and determination of the status of M/s. Veera Bhadra and Company, covered by the agreement of sale between the 2nd respondent and the said entity.

On the above analysis, the writ petition is dismissed. The petitioner is at liberty to pursue such remedies as is advised. No costs.

_____

GODA RAGHURAM, J

Dated:03-03-2006

Pvks/*